

Serial No. 10/668,456
Docket No. SHE0030.13

REMARKS

I. Introductory Comments

In the Office Action under reply, claims 54-79 were rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-53 of U.S. Patent No. 6,541,543. The rejection is addressed as indicated below.

Claims 54-79 are pending in the application. No claims have been deleted or amended. Consequently, claims 54-79 remain pending.

II. The Double Patenting Rejection

Claims 54-79 were rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-53 of U.S. Patent No. 6,541,543.

To obviate this rejection, an executed terminal disclaimer is enclosed herewith. In view thereof, it is submitted that the nonstatutory double patenting rejection of the present claims is overcome. Applicants note that submission of the terminal disclaimer is for expediency purposes only and is not intended as an acquiescence in the rejection.

III. Conclusion

In view of the foregoing, Applicants submit that the pending claims satisfy the requirements of patentability and are therefore in condition for allowance. Reconsideration and withdrawal of the rejection is respectfully requested and a prompt mailing of a Notice of Allowance is earnestly solicited.

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If a telephone conference would expedite the prosecution of the subject application, the Examiner is requested to call the undersigned at (650) 620-5506.

Respectfully submitted,
Nektar Therapeutics

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